



JON M. HUNTSMAN, JR.  
*Governor*

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*Lieutenant Governor*

## State of Utah

### DEPARTMENT OF NATURAL RESOURCES

#### Division of Water Rights

MICHAEL R. STYLER  
*Executive Director*

JERRY D. OLDS  
*State Engineer/Division Director*

March 22, 2006

Justus Ray Jorgensen  
Castle Dale, UT 84513

Re: Wilsonville Diversion Structure

Dear Mr. Jorgensen,

Section 73-5-4 of the Utah Code Annotated, 1953 as amended, states in part:

"Every person using water in this state shall construct or install and maintain a substantial head gate, cap, valve or other controlling works, weir, flume and measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used. Such controlling works or measuring devices shall be of such design as the state engineer may approve and so that the same can be locked and kept set by him or his assistants... If the owner or irrigation works, canals, reservoirs, wells, pumps or tunnels shall refuse or neglect to construct such head gates, caps, valves, flumes or measuring devices after thirty days notice to do so by the state engineer, the state engineer may forbid the use of water until the user thereof shall comply with this requirement, or the state engineer may proceed to construct or install or cause to be installed such controlling works or measuring devices, and the cost of the same shall be a lien against the lands and water rights served thereby, and the state engineer is authorized to bring such action in the name of the state to foreclose such lien."

The Cottonwood Creek River Commissioner is tasked with regulating Cottonwood Creek and tracking the distribution of water to water users on the system. In order for him to report water usage at the Wilsonville diversion a headgate and measuring device must be installed. We respectfully request that improvements be made to the diversion to bring it into compliance with state law. If you have any addition questions, please feel free to contact me at our Price office (435) 637-1303.

Sincerely,

Marc Stilson, P.E.  
Regional Engineer